

GORLICK, KRAVITZ & LISTHAUS, P.C.

Michael J. Vollbrecht, Esq.

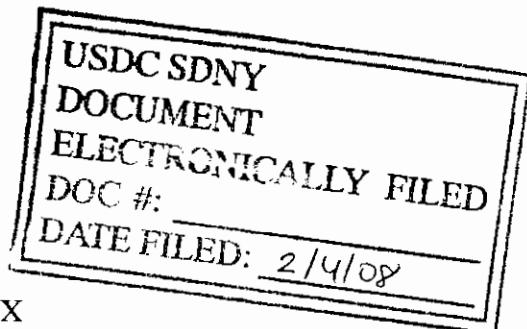
17 State Street, 4<sup>th</sup> Floor

New York, New York 10004-1501

(212) 269-2500

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, PENSION FUND, ANNUITY  
FUND, and TRAINING PROGRAM FUND, and  
JOHN J. VIRGA, in his fiduciary capacity as Director,

X

Plaintiffs, : ORDER TO SHOW CAUSE  
-against- : FOR JUDGMENT BY  
: DEFAULT AS TO SHROID  
: CONSTRUCTION INC.

SHROID CONSTRUCTION INC.  
and MICHAEL MCGARRY,

X

Defendants.

Upon the annexed Affidavits of Michael J. Vollbrecht, Esq., Michael S. Adler, Esq., and Michelle Stein-Berman sworn to January 31, 2008, and exhibits annexed thereto, submitted herewith, and upon all the papers and proceedings heretofore had herein, it is

**ORDERED** that defendant SHROID CONSTRUCTION INC. show cause before the Honorable Denise L. Cote, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York, in Courtroom 12A, on February 29, 2008, at 12:00 p.m. or as soon thereafter as counsel can be heard, why judgment by default should not be entered in favor of plaintiff MASON TENDERS DISTRICT COUNCIL WELFARE FUND ("PLAINTIFF"), as collecting agent for plaintiffs MASON TENDERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, and TRAINING PROGRAM FUND and JOHN J. VIRGA, in his fiduciary capacity as Director ("FUNDS") and against defendant SHROID CONSTRUCTION INC. in the

liquidated amount of \$540,191.15, which amount includes unpaid fringe benefits principal, statutory damages, interest on unpaid fringe benefits principal, unpaid dues checkoffs principal, unpaid Political Action Committee ("PAC") principal, interest on unpaid dues checkoffs principal, interest on unpaid PAC principal, imputed audit costs, costs, and attorneys' fees; and for such order and further relief as may be appropriate; and it is further

**ORDERED** that defendant SHROID CONSTRUCTION INC. show cause why a judgment should not be entered obligating that defendant SHROID CONSTRUCTION INC. permit and cooperate in the conduct of an audit of defendant SHROID CONSTRUCTION INC.'s books and records for the period May 4, 2004 to the present, for the purpose of ascertaining and verifying the amount of fringe benefit contributions, dues checkoffs, and PAC contributions due plaintiffs, if any, for the period May 4, 2004 to the present; and it is further

**ORDERED** that service of this Order and supporting papers herein, by certified mail,  return receipt requested, upon the defendants on or before February 11, 2008 shall be deemed good and  sufficient service; answering papers are due February 22, 2008; reply papers are due February 5, 2008; courtesy copies shall be delivered to chambers on the same day they are filed.

Dated: New York, New York

February 4, 2008

Hon. Denise L. Cote, U.S.D.J.